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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,393	12/15/2000	Joseph E. Augenbraun	WGATE6-7	8038
26291	7590	12/16/2004	EXAMINER	
MOSER, PATTERSON & SHERIDAN L.L.P. 595 SHREWSBURY AVE, STE 100 FIRST FLOOR SHREWSBURY, NJ 07702			SALCE, JASON P	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/736,393

Applicant(s)

AUGENBRAUN ET AL.

Examiner

Jason P Salce

Art Unit

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☒ Other: _____


CHRIS GRANT
PRIMARY EXAMINER

Continuation of Item 5 of Advisory

Applicant argues that Shoff fails to teach a terminal processor for performing the functions as claimed. As stated in the previous Office Actions, Shoff discloses a terminal processor and all limitations related thereto, at Column 8, Lines 19-21, 62-63, 63-64, 35-38, 14-18, Column 9, Lines 8-18, Column 6, Lines 30-48 and Figure 5. Specifically, the argument regarding the claimed invention being in response to a user input is clearly disclosed at Column 8, Lines 35-38 for the terminal being provided a user input to control the terminal system.

Applicant also argues that Shoff fails to disclose each and every element of the claimed invention, as arranged in the claim. The examiner notes that Shoff discloses all of the limitations in the claims rejected in the previous Office Action. Applicant does not provide any support for Shoff failing to teach every element of the claim; therefore, this argument is moot.

Applicant also argues that Shoff does not receive requested information from a headend, and instead, only receives the requested information from an independent service provider. Applicant is only referring to Figure 4, which is an alternate embodiment using an independent service provider. Shoff is not limited to this embodiment. Shoff teaches an embodiment in Figure 2, where all requested information comes from a headend 22. Applicant also argues that Eyer does not teach

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filling a user request for channel selection of a downstream channel from a headend via one-way hyperlinking. As disclosed in the previous Office Action, Shoff is used to teach these limitations. Eyer is only used to teach a multiplexer, because Shoff is silent as to a multiplexer transmitting of all the content sent from the headend.



CHRIS GRANT
PRIMARY EXAMINER